

REMARKS/ARGUMENTS

Status of Application

Claims 1-32 are pending.

As a result of a previous Restriction Requirement and Amendment, only claims 1-3, 6-7, and 21-22 are under examination.

Claims 1-3, 6-7, and 21 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter, and have also been rejected under 35 U.S.C. § 103(a) as unpatentable over Gilmer in view of Official Notice.

Statutory Subject Matter Objection

Claims 1-3, 6-7, and 21 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter, based on the assertion that “claim 1 can be performed by hand.”

Applicant has amended claim 1, and by implication, all its dependent claims, to explicitly recite that the method is “performed by a server system and one or more user computers, the server system comprising at least one server computer” and has made clear that each of the steps is performed by a computer. This amendment to the claims is believed to address the rejections for non-statutory subject matter.

Continued Viability of the Restriction Requirement

Original claims 1-20 were subjected to a four-way Restriction Requirement, with Groups I and III each subject to a further three-way species restriction. In response to the Restriction Requirement, Applicant elected the group and species including claims 1-3 and 6-7, and added claims 21-32, which were believed consonant with the restriction requirement.

In this Office Action, new claims 21-22 have been allowed to stay with the elected claims, but claims 23-32 have been stated to be subject to a further restriction. The basis of this restriction is that the method of claim 1 can be done by hand.

Since claim 1 has been amended to address the rejection under 35 U.S.C. § 101 to recite that the method is done by computers, *Applicant invites the Examiner to consider whether all the claims withdrawn from consideration are still properly subject to restriction.*

Prior Art Rejection

Claims 1-3, 6-7, and 21-22 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Gilmer in view of Official Notice. Applicant notes that Gilmer has a publication date of November 2000.

The present application, at page 1, states:

CROSS-REFERENCE TO RELATED APPLICATIONS

The present application is a continuation-in-part of
Application No. 09/708,698, entitled "System And Method For Managing Multiple
Postage Functions In A Single Account," filed November 7, 2000,
which claims priority from the following provisional application:
Application No. 60/165,885, entitled "System and Method For Managing Multiple
Postage Functions in a Single Account," filed November 16, 1999. (Emphasis added).

Applicant believes that the claim 1 is entitled to the priority of Application No. 60/165,885, filed November 16, 1999. Therefore, Gilmer is not available as prior art against claim 1.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Application No. 09/820,428
Amendment dated February 4, 2005
Reply to Office Action of November 5, 2004

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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